

Divisional Court.] SLATER v. LABOREE. [Nov. 13, 1905.

Bills and notes—Endorsement by third party without endorsement by payee—Endorsement for valuable consideration—Liability.

The defendant became the endorser of two promissory notes without the payee having endorsed same, being so endorsed by the defendant in pursuance of an agreement with the payees for valuable consideration that he should so endorse them and become liable thereon.

Held, that the defendant was so liable. *Robinson v. Mann* (1901) 31 S.C.R. 484 followed. *Steele v. McKinley* (1880) 8 App. Cas. 654, and *Jenkins v. Coomber* (1898) 2 Q.B. 168 not followed.

It is the duty of Courts to follow the decision of the highest Court in Canada, being the latest decision on the subject, without questioning whether or not it is in accordance with previous cases.

Russell Snow, for appellant. *Middleton*, for respondent.

Divisional Court.] RE HURST. [Nov. 17, 1905.

Will—Dower—Election—Specific devise of portion of lot—Use of driving house—Rooms in dwelling house.

A testator by his will devised to his widow for life 17 acres on the west side of a lot together with the use of a drive house on his lands for the storage of crops taken from the 17 acres, and of two rooms, certain furniture and bedding and all the fruit she wanted for her own use from that now grown thereon; and subject to such life estate and a payment of one hundred dollars to his daughter, he devised same to one of his sons. To another son he devised the remainder of the lot, containing thirty-three acres, together with all buildings and erections thereon, reserving such privileges as were theretofore given to his widow during her life time and subject to a bequest of \$150 to the said daughter, and the payments of the funeral and testamentary expenses.

Held, that the widow was not entitled to dower in the dwelling house and 17 acres, but she was so entitled as to the thirty-three acres not being put to her election thereto by reason of the disposition made in her favour.

Judgment of ANGLIN, J., affirmed.

Middleton, for appellants. *J. H. Campbell* (St. Catharines), for respondent.